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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 DENNIS PATRICK and GRETHA PERRY,
6 Individually & on behalf of all others
7 similarly situated,

8 Plaintiffs,

9 vs.

10 HITACHI, LTD.,

11 Defendant.

Case No: C 12-6172 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE**

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13 This putative class action originally was assigned to Magistrate Judge Joseph Spero
14 (“the Magistrate”). On April 12, 2013, the Magistrate issued a Report and
15 Recommendation which recommended the dismissal of the action based on “Plaintiff’s
16 failure to appear for the case management conference on March 8, 2013, for failure to
17 prosecute, and for failure to comply with the Court’s Order dated December 5, 2012.” Dkt.
18 9 at 1. In addition, the Magistrate directed the Clerk to reassign the action to a District
19 Judge for action on the Report and Recommendation. Id.


20 The deadline to file an objection to the report and recommendation was April 26,
21 2013. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed in this
22 case. In the absence of a timely objection, the Court “need only satisfy itself that there is
23 no clear error on the face of the record in order to accept the recommendation.” Fed. R.
24 Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court, 501
25 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121
26 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district
27 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*
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1 *objection is made*, but not otherwise.”) (en banc). The Court has reviewed the record on its
2 face and finds no clear error. Accordingly,

3 IT IS HEREBY ORDERED THAT Magistrate Judge Spero’s Report and
4 Recommendation is ACCEPTED and shall become the Order of this Court. The action is
5 therefore DISMISSED. The Clerk shall close the file and terminate all pending matters.

6 IT IS SO ORDERED.

7 Dated: May 29, 2013


8 SAUNDRA BROWN ARMSTRONG
9 United States District Judge
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